NATURAL RESOURCES CONSERVATION SERVICE
NORTH DAKOTA
WETLAND DETERMINATION AND DELINEATION PROCEDURE

For the Food Security Act of 1985, as amended by
the Food, Agriculture, Conservation and Trade Act of 1990;
the Federal Agriculture Improvement and Reform Act of 1996;
and Section 404 of the Clean Water Act

We, the undersigned, hereby adopt this document,
with attached state supplements, as the technical basis
for the identification and mapping
of wetlands by the Natural Resources Conservation Service
within North Dakota.

Thomas E. Jewett — 4-19-02
Natural Resources Conservation Service — Date

James Smith Wilkins — 5/10/02
U.S. Army Corps of Engineers — Date

Kevin W. Ellis — 4/29/02
U.S. Fish and Wildlife Service — Date

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U.S. Environmental Protection Agency — Date

INTRODUCTION

This document outlines the procedure that the Natural Resources Conservation Service (NRCS) will use to identify potential wetlands. It must be used with the National Food Security Act Manual (NFSAM) and other documents mandated by NFSAM policy, including the Corps of Engineers Wetlands Delineation Manual (COE-87 Manual). It replaces the states' off-site mapping conventions that were completed in 1994.

The North Dakota Memorandum of Agreement partners have reached consensus on these procedures. This document, which adheres to regulations and policies in effect at the time of signature. The mapping conventions are subject to change based on modifications to the NFSAM or the 1987 COE-87 Manual or other reference documents which impact the use of offsite tools to identify potential wetlands.

If changes are proposed to these mapping conventions the changes must first receive the concurrence of the signatory agencies before their adoption by the NRCS. If modifications to the mapping conventions are necessitated by change in stature, regulation, and/or national policy and procedures (e.g. changes to the NFSAM or COE-87 Manual) the signatory agencies will review the changes and concur on any needed changes to the mapping conventions necessary to bring the mapping conventions in line with statute, regulation, and/or policy and procedures.

This procedure considers landscape, soils, inundation and saturation frequency, vegetation, etc. This procedure is used to determine the location of potential wetlands to better define where field visits are needed to conduct or verify wetland determinations.

Terms in bold type are defined in Appendix A.

GENERAL INFORMATION

1. Persons making wetland determinations or verifying that wetland criteria (soil, hydrology, and vegetation) are met must have the appropriate **Wetland Job Approval Authority** delegated and documented in accordance with current policy.

2. Size of an area is not part of the wetland criteria. Areas large enough to display evidence of wetland on inventory tools or that are noted in the field will be evaluated on-site.

3. Inaccurate determinations will be corrected as allowed under the NFSAM.

4. Wetland **manipulations**, as defined by the NFSAM and observed on photography or in the field, will be documented and described. NRCS will notify other state or federal agencies of potential wetland related violations in accordance with the NFSAM.

5. **Artificial wetlands** (AW) will be identified by NRCS on **wetland determination maps**. Although AW areas are exempt from the Food Security Act (FSA), they are not exempt from the NRCS technical assistance policy, and may or may not be exempt from the Clean Water Act.

6. United States Department of Agriculture (USDA) will maintain documentation of all certified NRCS wetland determinations. Certified wetland determinations will be recorded at Farm Service Agency county offices on their official photography. If digitized determinations are used, they will conform to Federal Geographic Data Committee guidelines.

INVENTORY TOOLS

Tools used, where available, for potential wetland identification:

- Previous wetland determinations (official and certified determinations)
- National Cooperative Soil Survey
- Important farmland maps
- State or Local wetland maps
- United States Department of Interior (USDI), Fish & Wildlife Service National Wetland Inventory (NWI) Maps
- Farm Service Agency compliance slides
- Black and white aerial photography
- Color infrared aerial photography
- Digital orthoquads (DOQQ) imagery
- US Geological Survey topographic maps
- Landsat imagery
- Federal Emergency Management Agency (FEMA) flood hazard maps
- Climatic data
- Field Office Technical Guide (FOTG) county hydric soils list
- National Engineering Field Handbook, Chapter 19, “Hydrology tools for Wetland Determination”
- Stream gauge data

PROCEDURE

Step 1. Review the soil survey and the FOTG county hydric soils list to identify areas that may be potential wetlands. Identify listed hydric soil map units, map units with hydric soils as part of their name, and map units with conventional wetland symbols as evidence of a potential wetland. Areas with map units having hydric soils as inclusions, while not evident, will receive extra attention during Steps 2 - 5.

Step 2. Review NRCS wetland inventory maps and official determinations if available to identify previously mapped wetland as evidence of a potential wetland.

Step 3. Review National Wetland Inventory (NWI) maps (where available). Identify any NWI wetlands as evidence of a potential wetland.

Step 4. Based on local ground truthing and knowledge of local conditions, use the appropriate Farm Service Agency compliance slide or slides selected from all available slides (regardless of annual precipitation), to identify potential wetlands and their boundaries. Review 1986 and prior slides to determine if any manipulation occurred prior to the National Food Security Act (NFSA) to help assign the correct wetland determination label.

- The following signatures are considered evidence of a potential wetland:
  Hydrophytic vegetation
  Surface water
  Saturated conditions
  Mud flats
  Flooded or drowned-out crops
  Stressed crops due to wetness
  Differences in vegetation due to different planting dates
  Inclusion of wet areas as set-aside or idled
  Unharvested crops
  Isolated areas that are not farmed with the rest of the field
  Areas of greener vegetation (especially during dry years)
  Recurring cropping patterns that avoid wet areas

Step 5. Review all appropriate black and white photography, color infrared photography, and other tools for potential wetland evidence as in Step 1 through 4.

Step 6. All areas displaying <u>any</u> potential wetland evidence on the maps and imagery reviewed in Steps 1 through 5 will be considered potential wetlands. Conduct a field visit of all potential wetland areas as outlined in the NFSAM using North Dakota field determination forms.

Step 7. Tracts or portions of tracts that display no wetland evidence after review of all available tools, may be determined as **non-wetland (NW)** after conducting an on-site determination

Step 8. NRCS personnel having **Wetland Job Approval Authority** will make a certified determination based on the office and field information gathered. Areas will be labeled with the correct wetland determination labels and their boundaries delineated on Farm Service Agency official photography. Labels will be in accordance with current FSAM wetland designations and definitions. Tracts or portions of tracts that are not inventoried for wetlands will be clearly

outlined on the map and labeled with an "**NI**" (Not Inventoried).

Determinations of wetlands adjacent to or within irrigated areas, **saline seeps**, or modified water bodies require special effort because of the difficulty of differentiating between natural and artificial wetland components. If historical photography, soil maps, and other data can be used to separate such areas, delineate and label them accordingly. If they cannot be separated, designate the area as an **Artificial Wetland and Wetland (AW/W)**, **Artificial Wetland and Farmed Wetland (AW/FW)**, or **Artificial Wetland and Farmed Wetland Pasture (AW/FWP)** complex. Such areas are subject to the same program rules as **Wetland (W), Farmed Wetland (FW)**, and **Farmed Wetland Pasture or Hayland (FWP)**. At such time a request is received for manipulation, any labeled AW/W, AW/FW, or AW/FWP will be redelineated with appropriate labels.

Prior converted cropland (PC) will be determined and labeled consistent with NFSAM policy. Fields containing only prior converted cropland and nonwetland will be labeled **PC/NW**.

Consistent with NFSAM policy and state or regional agreements, **other Waters of the U.S. (OW)** areas will be identified and included on certified determinations and accompanying maps after the Army Corps of Engineers informs NRCS of such designation.

Step 9. When a wetland or an area of hydric soil is found to occur in a map unit that is not documented in the FOTG county hydric soils list as having a hydric component, it is necessary to provide a copy of the map showing the location of this hydric soil to the field office soil scientist or area soil scientist. The soil scientist will determine if the FOTG county hydric soils list needs to be updated. This may require a field visit by the soil scientist to verify the occurrence of a hydric soil and/or to collect additional data. If it is determined that the hydric soil list needs to be updated, the soil scientist will submit a recommendation with supporting documentation to the State Soil Scientist for approval. After the State Soil Scientist has approved updating the hydric soil list, the field soil scientist will update the National Soils Information System (NASIS) database and generate an updated FOTG county hydric soil list.

APPENDIX A

Food Security Act Wetland Labels and Definitions

Note: *Italicized definitions* apply to FSA wetlands only and are consistent with the 3rd edition, Amendment 2 of the National Food Security Act Manual (NFSAM). Definitions may be modified by later NFSAM editions or amendments. Nonitalicized definitions or portions of definitions were developed by the states in the Northern Plains Region.

Artificial Wetland (AW) *Land that was formerly nonwetland under natural conditions but now exhibits wetland characteristics because of human activities.*

Artificial Wetland and Farmed Wetland (AW/FW) *An area that contains both AW and FW.*

Artificial Wetland and Farmed Wetland Pasture (AW/FWP) An area that contains both AW and FWP.

Artificial Wetland and Wetland (AW/W) *An area that contains both AW and W.*

Delineation: *Through the use of mapping conventions or field indicators, outlining boundaries of a wetland determination on aerial photography, digital imagery, other graphic representation of the area, or the land.*

Determination *Completing a highly erodible land finding for a field; or, for a wetland: an off-site or on-site decision regarding whether a wetland exists based upon criteria in effect at the time of the decision and if so, the type and extent of any wetland identified on a tract.*

Farmed Wetland (FW) *Wetlands that were manipulated and used to produce an agricultural commodity prior to December 23, 1985, but had not been converted prior to that date and, therefore, are not prior converted croplands. These areas include potholes, playas, and pocosins that still meet specific wetland hydrology criteria, and other wetlands that are seasonally ponded or flooded for an extended period of time during the growing season.*

Farmed Wetland Pasture or Hayland (FWP) *Wetlands that were manipulated and managed for pasture or hayland prior to December 23, 1985, but still meet specific wetland hydrology criteria and are not abandoned, or were prior converted croplands (PC) or farmed wetland (FW) that were not cropped for 5 successive years, but were used for forage production during that time and have not been abandoned.*

Manipulation *The alteration of the hydrology and/or removal of woody vegetation (including stems and stumps) on a wetland.*

Non-wetland (NW) *Land that under natural conditions does not meet wetland criteria (sometimes called upland). Also includes wetlands that were converted to the extent that wetland criteria was not present as of December 23, 1985, but were not cropped.*

Not Inventoried (NI) *No wetland determination has been completed.*

Other Waters of the U.S. (OW) *This term is defined in 33CFR 328 and is used in Clean Water Act regulations. "The term Waters of the United States means, all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide: All interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce..."*

PC/NW *An area that contains both PC and NW.*

Prior Converted Cropland (PC) *Wetlands that before December 23, 1985, were drained, dredged, filled, leveled, or otherwise manipulated including the removal of woody vegetation, for the purpose of, or to have the effect, of making the production of an agricultural commodity possible and an agricultural commodity has been produced at least once before December 23, 1985.*

Saline seeps Recently developed, wet, saline, areas in nonirrigated soils on which crop production is reduced or eliminated.

Soil Map Units *An area of the landscape shown on a soil map which consists of one or more soils.*

Tract *A land unit under one ownership operated as a farm or part of a farm.*

Wetland (W) *An area that has a predominance of hydric soils and that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances does support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, except lands in Alaska identified as having a high potential for agricultural development and a predominance of permafrost soils.*

Wetland Determination Map Wetland maps provided to producers notifying them of the presence or absence, and approximate size and location of wetlands on their land.

Wetland Job Approval Authority A list of people authorized by the NRCS State Conservationist to conduct various wetland tasks to meet NRCS responsibilities under the Food Security Act of 1985 as amended.